

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY



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PCT

NOTIFICATION OF TRANSMITTAL OF
INTERNATIONAL PRELIMINARY
REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)
(PCT Rule 71.1)

Date of mailing
(day/month/year) 17.01.2006

Applicant's or agent's file reference
PA-04069/PCT

IMPORTANT NOTIFICATION

| | | |
|----------------------------------------------------|----------------------------------------------------------|----------------------------------------------|
| International application No. PCT/JP2005/002533 | International filing date (day/month/year) 10.02.2005 | Priority date (day/month/year) 12.02.2004 |
|----------------------------------------------------|----------------------------------------------------------|----------------------------------------------|

Applicant

SHOWA DENKO K.K.

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary report on patentability and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.
4. **REMINDER**

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the *PCT Applicant's Guide*.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and Industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed invention is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the IPEA/JP

Japan Patent Office

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Authorized officer

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Commissioner of the Patent Office

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PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter II of the Patent Cooperation Treaty) (PCT Article 36 and Rule 70)



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|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|----------------------------------------------|-----------------------|
| Applicant's or agent's file reference PA-04069/PCT | FOR FURTHER ACTION | | See Form PCT/IPEA/416 |
| International application No. PCT/JP2005/002533 | International filing date (day/month/year) 10.02.2005 | Priority date (day/month/year) 12.02.2004 | |
| International Patent Classification (IPC) or national classification and IPC Int.Cl. F28F19/06(2006.01), B23K1/00(2006.01), B23K1/19(2006.01), B23K1/20(2006.01), F25B39/00(2006.01), F28F1/02(2006.01), F28F1/30(2006.01), F28F19/02(2006.01), F28F21/08(2006.01), B23K101/14(2006.01) | | | |
| Applicant SHOWA DENKO K.K. | | | |

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 4 sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
 - a. ☐ a total of _____ sheets, as follows:
 - ☐ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
 - ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
 - b. ☐ a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

- ☒ Box No. I Basis of the report
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

| | | |
|-------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------|------------|
| Date of submission of the demand 19.08.2005 | Date of completion of this report 05.01.2006 | |
| Name and mailing address of the IPEA/JP Japan Patent Office 3-4-3, Kasumigaseki, Chiyoda-ku, Tokyo 100-8915, Japan | Authorized officer ISHIKAWA Yoshifumi | 3M 3 2 2 6 |
| | Telephone No. +81-3-3581-1101 Ext. 3377 | |

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/JP2005/002533

Box No. I Basis of the report

1. With regard to the **language**, this report is based on:

- ☒ the international application in the language in which it was filed
- ☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rules 12.3(a) and 23.1(b))
 - ☐ publication of the international application (Rule 12.4(a))
 - ☐ international preliminary examination (Rules 55.2(a) and/or 55.3(a))

2. With regard to the **elements** of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

- ☒ the international application as originally filed/furnished
- ☐ the description:
- pages _____ as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☐ the claims:
- Nos. _____ as originally filed/furnished
- Nos.* _____ as amended (together with any statement) under Article 19
- Nos.* _____ received by this Authority on _____
- Nos.* _____ received by this Authority on _____
- ☐ the drawings:
- sheets/figs _____ as originally filed/furnished
- sheets/figs * _____ received by this Authority on _____
- sheets/figs * _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/JP2005/002533

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability, citations and explanations supporting such statement

1. Statement

| | | | |
|-------------------------------|--------|------|-----|
| Novelty (N) | Claims | 1-12 | YES |
| | Claims | | NO |
| Inventive step (IS) | Claims | | YES |
| | Claims | 1-12 | NO |
| Industrial applicability (IA) | Claims | 1-12 | YES |
| | Claims | | NO |

2. Citations and explanations(Rule 70.7)

Document 1:JP 10-263799 A (MITSUBISHI ALUMINUM CO.,LTD.),1998.10.06, Page 1 to 8

Document 2:JP 11-131254 A (DENSO CORPORATION), 1999.05.18, Page 1 to 10 & US 6306226 B1 & EP 0911427 A1

Document 3:JP 4-288494 A (HITACHI CABLE, LTD.), 1992.10.13, Page 1 to 3(No Family)

Document 4:JP 11-77292 A (DENSO CORPORATION), 1999.03.23, Paragraph [0033]

Document 5:JP 2003-130585 A (MITUBISHI HEAVY INDUSTRIES.LTD.), 2003.05.08, Page 1 to 6

Document 6:JP 2000-204427 A (SUMITOMO LIGHT METAL INDUSTRIES, LTD.), 2000.07.25, Paragraph [0008]

Document 7:JP 11-92848 A (NIPPON LIGHT METAL CO.,LTD), 1999.04.06,Paragaraph [0029]

The subject matters of claims 1,2,3,4,5,11 and 12 do not appear to involve inventive steps over the document 1,2,3 and 4 cited in the ISR.

Document 1 discloses a method for manufacturing an aluminum heat exchanger, comprising the step of:

forming a Zn thermally sprayed layer on a surface of an aluminum flat tube core with the Zn amount of 3 to 20 g/m²; and

obtaining a heat exchanger core by alternatively arranging the tube and an aluminum fin and brazing them.

Document 2 discloses a way to impart high hydrophilicity and corrosion resistance to a surface of a heat exchanger by at first performing a chemical etching treatment on the surface and second, forming a chemical conversion treatment coat on it and finally, forming a protective layer on the coat.

Because both document 1 and 2 are concerned mutually related fields, a skilled person in the art would easily conceive the idea of applying the way, disclosed in document 2, to the method for manufacturing an aluminum heat exchanger, disclosed in document 1.

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of: V.2 Citations and explanations

Claim 1 includes the word "comprising" and that means, claim 1 may contain some other elements which are not written explicitly in the claim.

Therefore claim 1 may contain the forming a protective layer on the chemical conversion coat and that's the reason why the subject matter of claim 1 does not appear to involve an inventive step over the document 1 and 2.

In addition, Document 3 discloses a way to form a zirconium protective layer on a surface of a copper fin to enhance corrosion resistance to the surface and document 4 discloses a way to form a chromate protective layer on a surface of a heat exchanger for the same purpose.

The subject matter of claim 6 does not appear to involve an inventive step over the document 1,2,3,4 and 5 cited in the ISR.

Document 5 discloses a way to perform a chemical conversion treatment on a surface of an aluminum fin with zirconium of 50 to 120 mg/m².

The subject matter of claim 7 does not appear to involve an inventive step over the document 1, 2,3,4,5 and 6 cited in the ISR.

Document 7 discloses an aluminum tube core contains Cu: 0.3 to 1.0 mass% and Mn: 0.6 to 2.0 mass%.

The subject matter of claim 8,9 and 10 do not appear to involve inventive steps over the document 1, 2,3,4,5 and 6 cited in the ISR.

Document 7 discloses an aluminum fin contains Zn: 1.2 to 4.0 mass%.

A skilled person in the art would regard it as a design procedure to change an area rate of a region of a surface of the heat exchanger tube covered with Zn.